



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
January 7, 2010

APPROVED

Attachments:

1. Meeting Agenda
2. Letter to Selectmen from FEMA – RE: NFIP, dated 12/4/09
3. Westford Road Development Proposal, dated 12/10/09
4. Westford Road Development, LLC letter to EEA Committee – RE: Proposed Amendment to the Zoning Bylaws for a Solar Energy Farm, dated 1/7/10
5. Paul Worthington Comments on As-of-Right Zoning By-Law
6. Planning Board department budget worksheet – FY' 2011

Members Present: Steve Nocco, Vice Chairman
Steve O'Neill
Tom Delmore
Jim Miller
Bill Gramer, Associate Member
Jesse Johnson, P.E.: David E. Ross Associates
Pamela Berman, Clerk

Absent: Caryn DeCarteret

7:00pm - Meeting called to order by S. Nocco

7:00pm - Wilson Way Telecommunications Tower Special Permit

Applicant Walter Eriksen requested to continue this hearing until such time that he can meet with the project abutters to answer questions, and resolve some issues.

T. Delmore: Motion to continue the hearing for the Wilson Way Telecommunications tower until February 4, 2010 at 7pm.

S. O'Neill: 2nd the motion.

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Town Counsel Charles Zaroulis was present and spoke on behalf of the Planning Board regarding the expert review required for this permit. Attorney Zaroulis explained that given the complexity of the technology involved with cell towers, the Planning Board would require an expert to review the applicant's expert's analyses. Therefore, pursuant to MGL, Attorney

Zaroulis requested that additional money be posted to the existing 53G account that would cover the expenses of the cell tower expert. Mr. Eriksen was reluctant to agree to this request and asked for a few days to think it over. Attorney Zaroulis and the Board agreed and requested that a response be submitted to Town Counsel within 7 days. Attorney Zaroulis said that he would provide a letter of hearing continuance to Mr. Eriksen's Attorney, Scott Eriksen.

8:00pm - 15, 19, 21, 27 Primrose Lane – ANR Application

An ANR application was submitted to the Board. The Board and engineer J. Johnson reviewed the application and suggested that the property abutters be delineated on the plans. Vice Chairman S. Nocco signed in the application and set the hearing for January 21, 2010.

Discussion

Tyngsborough developer Walter Eriksen appeared before the Board to present a conceptual plan for 106 acres of land known as the Sycamore property located on Westford and Middlesex Roads. The project is being called the Westford Road Development and would include 3 phases of development. The first phase would be a 40 acre solar energy cell farm developed by ANSAR Energy, LLC. The second phase would be the construction of a mixed-use commercial and residential property called "Tyngsborough Commons". The final phase would be the construction of a 200,000 square foot research and development office building call Potash Hill Office Park. Mr. Eriksen explained that the benefits to Tyngsborough include, but are limited to, tax revenue that could exceed \$1 million dollars. Additionally, this project would establish Tyngsborough as a Pioneer Green Community, increase and improve town infrastructure, and facilitate the new Tyngsborough town center plan. Among other benefits would be the creation of much needed jobs, and the overall improvement of the town's image in the Commonwealth. The Board was very enthusiastic about the proposed plan and is looking forward to working with Mr. Eriksen as well as other Town Boards to make this happen.

Selectwoman, Elizabeth Coughlin spoke on behalf of Tyngsborough's Energy and Environmental Affairs Committee (EEAC) with regards to the solar farm aspect of the plan. Ms. Coughlin indicated that as part of the EEAC's functions, it is working on establishing Tyngsborough's Green Community certification. In order to achieve that, five criteria are needed to be met, one being the "As-of-Right" siting zone for renewable energy. The solar cell energy farm is the ideal project for meeting this requirement. The EEAC is diligently working on the other criteria and putting Tyngsborough on the map as a Green Community which would enable Tyngsborough to be eligible for Federal funding resources.

Resident Dave Robson of Constantine Drive spoke harshly against Mr. Eriksen's involvement with this project citing issues he's had with Mr. Eriksen's "unfinished" projects in the past. He went on to warn the Board against letting this project get out of hand due to the reputation of Mr. Eriksen. The Board assured Mr. Robson that new regulations have been instituted since some of

the older projects were constructed that would make the developer more accountable for the completion of the project.

S. Nocco told Mr. Eriksen to ensure that the plans are “good & by the book”. T. Delmore concurred with those statements. Selectmen Rich Lemoine was present and commented that it’s imperative that all of the Town’s boards be included in this process and offer their input. Due to the Federal stimulus monies that are available, this project is aiming to be shovel ready by December 2010, otherwise the money won’t be available.

Energy & Environmental Affairs Committee Appointment: Chairman DeCarteret has expressed her interest in serving on this committee.

SO: Motion to approve the appointment of Planning Board member Caryn DeCarteret to the Energy & Environmental Affairs Committee.

TD: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

National Flood Insurance Program (NFIP) Zoning By-Law Amendment: FEMA has amended the Flood Insurance Rate Maps for the Town of Tyngsborough. In order for the town to continue its eligibility in the National Flood Insurance Program (NFIP), the existing zoning by-law regulations must be amended to incorporate any additional requirements of Paragraph 60.3(d) of the NFIP. FEMA has made resources available on the State level to aid towns in writing the amendments. The Board recommended that Town Counsel be consulted on this matter.

FY’ 2011 Budget:

The budgeting process for Fiscal Year 2011 has begun and preliminary department budgets are due to the Selectmen. With the prospect of some big projects coming in the future, additional hours have been proposed for the Planning Board’s Administrative Assistant.

SO: Motion to endorse the draft Planning Board budget for Fiscal Year 2011.

TD: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Engineer Reports

30 Progress Ave. Occupancy: J. Johnson reported that the site work for this project has not been finished and the buses are still occupying the unpaved portion of the site, which is a violation of the conditions of the special permit. The Board requested that a letter be drafted to Mark Dupell concerning this issue.

Administrative

TD: Motion to accept the meeting minutes as written for November 19, 2009

SO: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1 Absent: 1

JM: Motion to accept the meeting minutes as written for December 17, 2009

SO: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1 Absent: 1

8:40pm

S. O'Neill: Motion to adjourn

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant